

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**EUNJUNG JUNG, a.k.a.
EUNGUNG JUNG, a.k.a.
JANE JUNG, a.k.a.
EUN J. JUNG, a.k.a.
JUNY, EUNJUNG**
Sujungu Dandaedong 68-5
Kaeungido Sunghamsi
KOREA, SOUTH 461-800

Registered Nurse License No. 585660

Respondent.

Case No. 2008-112

OAH No. 2007110180

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on MAY 15, 2008.

It is so ORDERED April 15, 2008.

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 REBECCA HEINSTEIN, State Bar No. 173202
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7 Attorneys for Complainant

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
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15 **EUN J. JUNG, a.k.a.**
16 **JUNY, EUNJUNG**
Sujunggu Dandaedong 68-5
Kaeunggido Sungnamsi
KOREA, SOUTH 461-800

OAH No. 2007110180

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 Registered Nurse License No. 585660

18 Respondent.

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
21 above-entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of
24 the Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
26 by Rebecca Heinstein, Deputy Attorney General.

27 2. Respondent Eunjung Jung, a.k.a. Eungung Jung, a.k.a. Jane Jung, a.k.a.
28 Eun J. Jung, a.k.a. Juny Eunjung (Respondent) is representing herself in this proceeding and has

chosen not to exercise her right to be represented by counsel.

3. On or about August 16, 2001, the Board of Registered Nursing issued Registered Nurse License No. 585660 to Respondent. The registered nurse license was placed on inactive status on July 25, 2007, and will expire on March 31, 2009, unless renewed.

JURISDICTION

4. Accusation No. 2008-112 was filed before the Board of Registered Nursing, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 11, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2008-112 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2008-112. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2008-112.

9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the

Disciplinary Order below.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 585660 issued to Respondent Eunjung Jung, a.k.a. Eungung Jung, a.k.a. Jane Jung, a.k.a. Eun J. Jung, a.k.a. Juny Eunjung is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

1 **Criminal Court Orders:** If Respondent is under criminal court orders, including
2 probation or parole, and the order is violated, this shall be deemed a violation of these probation
3 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

4 2. **Comply with the Board's Probation Program.** Respondent shall fully
5 comply with the conditions of the Probation Program established by the Board and cooperate
6 with representatives of the Board in its monitoring and investigation of the Respondent's
7 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
8 within no more than 15 days of any address change and shall at all times maintain an active,
9 current license status with the Board, including during any period of suspension or tolling of
10 probation pursuant to paragraphs 4 and 5 below.

11 Upon successful completion of probation, Respondent's license shall be fully
12 restored.

13 3. **Report in Person.** Respondent, during the period of probation, shall
14 appear in person at interviews/meetings as directed by the Board or its designated
15 representatives.

16 4. **Residency, Practice, or Licensure Outside of State.** Periods of
17 residency or practice as a registered nurse outside of California shall not apply toward a reduction
18 of this probation time period. Respondent's probation is tolled, if and when she resides outside
19 of California. Respondent must provide written notice to the Board within 15 days of any change
20 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
21 returning to practice in this state.

22 Respondent shall provide a list of all states and territories where she has ever been
23 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
24 provide information regarding the status of each license and any changes in such license status
25 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
26 new nursing license during the term of probation.

27 5. **Submit Written Reports.** Respondent, during the period of probation,
28 shall submit or cause to be submitted such written reports/declarations and verification of actions

1 under penalty of perjury, as required by the Board. These reports/declarations shall contain
2 statements relative to Respondent's compliance with all the conditions of the Board's Probation
3 Program. Respondent shall immediately execute all release of information forms as may be
4 required by the Board or its representatives.

5 Respondent shall provide a copy of this Decision to the nursing regulatory agency
6 in every state and territory in which she has a registered nurse license.

7 **6. Function as a Registered Nurse.** Respondent, during the period of
8 probation, shall engage in the practice of registered nursing in California for a minimum of 24
9 hours per week for 6 consecutive months or as determined by the Board.

10 For purposes of compliance with the section, "engage in the practice of registered
11 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
12 work in any non-direct patient care position that requires licensure as a registered nurse.

13 The Board may require that advanced practice nurses engage in advanced practice
14 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
15 Board.

16 If Respondent has not complied with this condition during the probationary term,
17 and Respondent has presented sufficient documentation of her good faith efforts to comply with
18 this condition, and if no other conditions have been violated, the Board, in its discretion, may
19 grant an extension of Respondent's probation period up to one year without further hearing in
20 order to comply with this condition. During the one year extension, all original conditions of
21 probation shall apply.

22 **7. Employment Approval and Reporting Requirements.** Respondent
23 shall obtain prior approval from the Board before commencing or continuing any employment,
24 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
25 performance evaluations and other employment related reports as a registered nurse upon request
26 of the Board.

27 Respondent shall provide a copy of this Decision to her employer and immediate
28 supervisors prior to commencement of any nursing or other health care related employment.

1 In addition to the above, Respondent shall notify the Board in writing within
2 seventy-two (72) hours after she obtains any nursing or other health care related employment.
3 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
4 terminated or separated, regardless of cause, from any nursing, or other health care related
5 employment with a full explanation of the circumstances surrounding the termination or
6 separation.

7 8. **Supervision.** Respondent shall obtain prior approval from the Board
8 regarding Respondent's level of supervision and/or collaboration before commencing or
9 continuing any employment as a registered nurse, or education and training that includes patient
10 care.

11 Respondent shall practice only under the direct supervision of a registered nurse
12 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
13 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
14 are approved.

15 Respondent's level of supervision and/or collaboration may include, but is not
16 limited to the following:

17 (a) Maximum - The individual providing supervision and/or collaboration is
18 present in the patient care area or in any other work setting at all times.

19 (b) Moderate - The individual providing supervision and/or collaboration is in
20 the patient care unit or in any other work setting at least half the hours Respondent works.

21 (c) Minimum - The individual providing supervision and/or collaboration has
22 person-to-person communication with Respondent at least twice during each shift worked.

23 (d) Home Health Care - If Respondent is approved to work in the home health
24 care setting, the individual providing supervision and/or collaboration shall have person-to-
25 person communication with Respondent as required by the Board each work day. Respondent
26 shall maintain telephone or other telecommunication contact with the individual providing
27 supervision and/or collaboration as required by the Board during each work day. The individual
28 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-

1 site visits to patients' homes visited by Respondent with or without Respondent present.

2 9. **Employment Limitations.** Respondent shall not work for a nurse's
3 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
4 traveling nurse, or for an in-house nursing pool.

5 Respondent shall not work for a licensed home health agency as a visiting nurse
6 unless the registered nursing supervision and other protections for home visits have been
7 approved by the Board. Respondent shall not work in any other registered nursing occupation
8 where home visits are required.

9 Respondent shall not work in any health care setting as a supervisor of registered
10 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
11 nurses and/or unlicensed assistive personnel on a case-by-case basis.

12 Respondent shall not work as a faculty member in an approved school of nursing
13 or as an instructor in a Board approved continuing education program.

14 Respondent shall work only on a regularly assigned, identified and predetermined
15 worksite(s) and shall not work in a float capacity.

16 If Respondent is working or intends to work in excess of 40 hours per week, the
17 Board may request documentation to determine whether there should be restrictions on the hours
18 of work.

19 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
20 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
21 than six months prior to the end of her probationary term.

22 Respondent shall obtain prior approval from the Board before enrolling in the
23 course(s). Respondent shall submit to the Board the original transcripts or certificates of
24 completion for the above required course(s). The Board shall return the original documents to
25 Respondent after photocopying them for its records.

26 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
27 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
28 amount of \$6,200. Respondent shall be permitted to pay these costs in a payment plan approved

1 by the Board, with payments to be completed no later than three months prior to the end of the
2 probation term.

3 If Respondent has not complied with this condition during the probationary term,
4 and Respondent has presented sufficient documentation of her good faith efforts to comply with
5 this condition, and if no other conditions have been violated, the Board, in its discretion, may
6 grant an extension of Respondent's probation period up to one year without further hearing in
7 order to comply with this condition. During the one year extension, all original conditions of
8 probation will apply.

9 **12. Violation of Probation.** If Respondent violates the conditions of her
10 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
11 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
12 license.

13 If during the period of probation, an accusation or petition to revoke probation has
14 been filed against Respondent's license or the Attorney General's Office has been requested to
15 prepare an accusation or petition to revoke probation against Respondent's license, the
16 probationary period shall automatically be extended and shall not expire until the accusation or
17 petition has been acted upon by the Board.

18 **13. License Surrender.** During Respondent's term of probation, if she ceases
19 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
20 probation, Respondent may surrender her license to the Board. The Board reserves the right to
21 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
22 take any other action deemed appropriate and reasonable under the circumstances, without
23 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
24 will no longer be subject to the conditions of probation.

25 Surrender of Respondent's license shall be considered a disciplinary action and
26 shall become a part of Respondent's license history with the Board. A registered nurse whose
27 license has been surrendered may petition the Board for reinstatement no sooner than the
28 following minimum periods from the effective date of the disciplinary decision:

1 (1) Two years for reinstatement of a license that was surrendered for any
2 reason other than a mental or physical illness; or

3 (2) One year for a license surrendered for a mental or physical illness.

4 14. **Physical Examination.** Within 45 days of the effective date of this
5 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
6 physician assistant, who is approved by the Board before the assessment is performed, submit an
7 assessment of the Respondent's physical condition and capability to perform the duties of a
8 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
9 medically determined, a recommended treatment program will be instituted and followed by the
10 Respondent with the physician, nurse practitioner, or physician assistant providing written
11 reports to the Board on forms provided by the Board.

12 If Respondent is determined to be unable to practice safely as a registered nurse,
13 the licensed physician, nurse practitioner, or physician assistant making this determination shall
14 immediately notify the Board and Respondent by telephone, and the Board shall request that the
15 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
16 shall immediately cease practice and shall not resume practice until notified by the Board.
17 During this period of suspension, Respondent shall not engage in any practice for which a license
18 issued by the Board is required until the Board has notified Respondent that a medical
19 determination permits Respondent to resume practice. This period of suspension will not apply
20 to the reduction of this probationary time period.

21 If Respondent fails to have the above assessment submitted to the Board within
22 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
23 practice until notified by the Board. This period of suspension will not apply to the reduction of
24 this probationary time period. The Board may waive or postpone this suspension only if
25 significant, documented evidence of mitigation is provided. Such evidence must establish good
26 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
27 provided. Only one such waiver or extension may be permitted.

28 / / /

1 15. **Participate in Treatment/Rehabilitation Program for Chemical**
2 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
3 period or shall have successfully completed prior to commencement of probation a Board-
4 approved treatment/rehabilitation program of at least six months duration. As required, reports
5 shall be submitted by the program on forms provided by the Board. If Respondent has not
6 completed a Board-approved treatment/rehabilitation program prior to commencement of
7 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
8 a program. If a program is not successfully completed within the first nine months of probation,
9 the Board shall consider Respondent in violation of probation.

10 Based on Board recommendation, each week Respondent shall be required to
11 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
12 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
13 by the Board. If a nurse support group is not available, an additional 12-step meeting or
14 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
15 such attendance to the Board during the entire period of probation. Respondent shall continue
16 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
17 mental health examiner and/or other ongoing recovery groups.

18 16. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
19 shall completely abstain from the possession, injection or consumption by any route of all
20 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
21 the same are ordered by a health care professional legally authorized to do so as part of
22 documented medical treatment. Respondent shall have sent to the Board, in writing and within
23 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
24 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
25 medication will no longer be required, and the effect on the recovery plan, if appropriate.

26 Respondent shall identify for the Board a single physician, nurse practitioner or
27 physician assistant who shall be aware of Respondent's history of substance abuse and will
28 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled

1 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
2 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
3 condition. If any substances considered addictive have been prescribed, the report shall identify a
4 program for the time limited use of any such substances.

5 The Board may require the single coordinating physician, nurse practitioner, or
6 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
7 addictive medicine.

8 **17. Submit to Tests and Samples.** Respondent, at her expense, shall
9 participate in a random, biological fluid testing or a drug screening program which the Board
10 approves. The length of time and frequency will be subject to approval by the Board.
11 Respondent is responsible for keeping the Board informed of Respondent's current telephone
12 number at all times. Respondent shall also ensure that messages may be left at the telephone
13 number when she is not available and ensure that reports are submitted directly by the testing
14 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
15 to the Board by the program and Respondent shall be considered in violation of probation.

16 In addition, Respondent, at any time during the period of probation, shall fully
17 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
18 tests and samples as the Board or its representatives may require for the detection of alcohol,
19 narcotics, hypnotics, dangerous drugs, or other controlled substances.

20 If Respondent has a positive drug screen for any substance not legally authorized
21 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
22 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
23 from practice pending the final decision on the petition to revoke probation or the accusation.
24 This period of suspension will not apply to the reduction of this probationary time period.

25 If Respondent fails to participate in a random, biological fluid testing or drug
26 screening program within the specified time frame, Respondent shall immediately cease practice
27 and shall not resume practice until notified by the Board. After taking into account documented
28 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the

1 Board may suspend Respondent from practice pending the final decision on the petition to
2 revoke probation or the accusation. This period of suspension will not apply to the reduction of
3 this probationary time period.

4 **18. Mental Health Examination.** Respondent shall, within 45 days of the
5 effective date of this Decision, have a mental health examination including psychological testing
6 as appropriate to determine her capability to perform the duties of a registered nurse. The
7 examination will be performed by a psychiatrist, psychologist or other licensed mental health
8 practitioner approved by the Board. The examining mental health practitioner will submit a
9 written report of that assessment and recommendations to the Board. All costs are the
10 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
11 result of the mental health examination will be instituted and followed by Respondent.

12 If Respondent is determined to be unable to practice safely as a registered nurse,
13 the licensed mental health care practitioner making this determination shall immediately notify
14 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
15 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
16 practice and may not resume practice until notified by the Board. During this period of
17 suspension, Respondent shall not engage in any practice for which a license issued by the Board
18 is required, until the Board has notified Respondent that a mental health determination permits
19 Respondent to resume practice. This period of suspension will not apply to the reduction of this
20 probationary time period.

21 If Respondent fails to have the above assessment submitted to the Board within
22 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
23 practice until notified by the Board. This period of suspension will not apply to the reduction of
24 this probationary time period. The Board may waive or postpone this suspension only if
25 significant, documented evidence of mitigation is provided. Such evidence must establish good
26 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
27 provided. Only one such waiver or extension may be permitted.

28 / / /

1 19. **Therapy or Counseling Program.** Respondent, at her expense, shall
2 participate in an on-going counseling program until such time as the Board releases her from this
3 requirement and only upon the recommendation of the counselor. Written progress reports from
4 the counselor will be required at various intervals.

5 **ACCEPTANCE**

6 I have carefully read the Stipulated Settlement and Disciplinary Order. I
7 understand the stipulation and the effect it will have on my Registered Nurse License. I enter
8 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
9 and agree to be bound by the Decision and Order of the Board of Registered Nursing,
10 Department of Consumer Affairs.

11 DATED: 2008. 1. 29

12
13 
14 **EUNJUNG JUNG**
Respondent

15 **ENDORSEMENT**

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Board of Registered Nursing, Department of Consumer
18 Affairs.

19
20 DATED: 1/28/08

21 **EDMUND G. BROWN JR., Attorney General**
of the State of California

22 **FRANK H. PACOE**
23 Supervising Deputy Attorney General

24
25 
26 **REBECCA FEINSTEIN**
27 Deputy Attorney General

28 Attorneys for Complainant

Exhibit A
Accusation No. 2008-112

EDMUND G. BROWN JR., Attorney General
of the State of California
FRANK H. PACOE
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Attorneys for Complainant

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KOREA, SOUTH 461-800

ACCUSATION

Registered Nurse License No. 585660

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about August 16, 2001, the Board issued Registered Nurse License Number 585660 to Eunjung Jung, also known as Eungung Jung, Jane Jung, Eun J. Jung, and Juny Eunjung ("Respondent"). The registered nurse license was placed on inactive status on July 25, 2007 and will expire on March 31, 2009, unless renewed.

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

. . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Section 490 of the Code states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

7. Code section 2762 states in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

1 (a) Obtain or possess in violation of law, or prescribe, or except as directed by
2 a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or
3 furnish or administer to another, any controlled substance as defined in Division 10
(commencing with Section 11000) of the Health and Safety Code or any dangerous drug
or dangerous device as defined in Section 4022.

4 (b) Use any controlled substance as defined in Division 10
5 (commencing with Section 11000) of the Health and Safety Code, or any
6 dangerous drug or dangerous device as defined in Section 4022, or alcoholic
7 beverages, to an extent or in a manner dangerous or injurious to himself or herself,
any other person, or the public or to the extent that such use impairs his or her
ability to conduct with safety to the public the practice authorized by his or her
license.

8 (c) Be convicted of a criminal offense involving the prescription,
9 consumption, or self-administration of any of the substances described in
10 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
record pertaining to, the substances described in subdivision (a) of this section, in
which event the record of the conviction is conclusive evidence thereof.

11

12 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
13 unintelligible entries in any hospital, patient, or other record pertaining to the
substances described in subdivision (a) of this section.

14 8. Code section 4060 provides, in pertinent part,
15

16 No person shall possess any controlled substance, except that furnished to
17 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
18 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant
19 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)
of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

20 9. Section 11173, subdivision (a), of the Health and Safety Code provides:
21

22 No person shall obtain or attempt to obtain controlled substances, or
23 procure or attempt to procure the administration of or prescription for controlled
substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the
concealment of a material fact.

24 10. Title 16, California Code of Regulations, section 1444, provides, in
25 relevant part:

26 "A conviction or act shall be considered to be substantially related
27 to the qualifications, functions or duties of a registered nurse if to
a substantial degree it evidences the present or potential unfitness
of a registered nurse to practice in a manner consistent with the
public health, safety, or welfare. Such convictions or acts shall
include but not be limited to the following:
28

1 11. Code section 125.3 provides, in pertinent part, that the Board may request
2 the administrative law judge to direct a licensee found to have committed a violation or
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
4 and enforcement of the case.

5 **CONTROLLED SUBSTANCE**

6 12. "Demerol," a brand of meperidine hydrochloride, a derivative of
7 pethidine, is a Schedule II controlled substance as designated by Health and Safety Code section
8 11055, subdivision (c)(17), and is a dangerous drug within the meaning of Code section 4022, in
9 that under federal law it requires a prescription.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Conviction - Substantially Related Crime)**

12 13. Respondent is subject to disciplinary action under Code sections 490 and
13 2761(f), in that Respondent was convicted of a criminal offense which is substantially related to
14 the qualifications, functions, or duties of a registered nurse, as defined in Title 16, California
15 Code of Regulations, section 1444, as follows:

16 a. On or about April 12, 2005, in a criminal proceeding entitled *The People*
17 *of the State of California v. Eun J. Jung*, Superior Court of California, County of San Mateo,
18 Case No. DV058076A, Respondent was convicted on her plea of guilty of violating Health and
19 Safety Code section 11350(a) (possession of Demerol, a controlled substance), a felony.

20 b. Respondent was sentenced to three (3) years supervised probation and 120
21 days in jail, and ordered to complete a residential treatment program at the discretion of the
22 probation department.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Obtain, Possess, and Self-Administer Controlled Substance)**

25 15. Respondent is subject to disciplinary action under section 2761(a) of the
26 Code on the grounds of unprofessional conduct, as defined in section 2762(a) of the Code, in that
27 between the approximate period of November, 2002 and August, 2004, while employed as a
28 registered nurse at Seton Medical Center ("Seton") in Daly City, California, Respondent did the

1 following:

2 a. Respondent obtained Demerol, a controlled substance, by fraud, deceit,
3 misrepresentation, subterfuge, or by concealment of a material fact, in violation of Health and
4 Safety Code section 11173(a), by diverting the drug from hospital supplies for her own personal
5 use.

6 b. Respondent possessed Demerol, a controlled substance, in violation of
7 section 4060 of the Code.

8 c. Respondent self-administered Demerol, by injection, during a break at
9 work, without direction from a licensed physician and surgeon, dentist or podiatrist.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Use of Controlled Substance to a Dangerous Extent)**

12 16. Respondent is subject to disciplinary action under Code section 2761(a) on
13 the grounds of unprofessional conduct, as defined in Code section 2762 (b), in that Respondent
14 used Demerol to an extent or in a manner dangerous or injurious to herself and/or to the extent
15 that such use impaired her ability to conduct with safety to the public the practice authorized by
16 her license as follows:

17 a. In or about December, 2002, Respondent admitted to her employer at
18 Seton that she had diverted Demerol from hospital supplies for her own use. She entered a drug
19 treatment program and was allowed to return to work at Seton.

20 b. On or about August 4, 2004, Respondent tested positive for Demerol while
21 on duty as a registered nurse at Seton.

22 c. On or about April 12, 2005, Respondent was convicted of possession of
23 Demerol, as set forth in paragraph 13, above.

24 d. On or about July 5, 2006, Respondent admitted to the Board's investigator
25 that, in the past, she had injected Demerol while on breaks at work at Seton.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(False, Grossly Incorrect, Grossly Inconsistent or Grossly Unintelligible**
3 **Entries in Hospital or Patient Records)**

4 17. Respondent is subject to disciplinary action under Code section 2761 (a)
5 on the grounds of unprofessional conduct, as defined in Code section 2762(e), in that between
6 the approximate period of November 30, 2002 and August 3, 2004, while on duty as a registered
7 nurse at Seton , Respondent falsified, *made grossly incorrect, grossly inconsistent or*
8 *unintelligible entries in hospital and patient records, as follows:*

9 **Patient #1**

10 a. On or about August 3, 2004, at 1935 hours, Respondent withdrew 75 mg
11 of Demerol from the Pyxis medication dispenser when there was no physician's order for
12 Demerol for this patient. Respondent failed to chart the administration or wastage of any portion
13 of the Demerol in any patient or hospital record or otherwise account for the disposition of the
14 drug.

15 **Patient #2**

16 b. On or about August 3, 2004, at 1126 hours, Respondent withdrew 25 mg
17 of Demerol from the Pyxis medication dispenser when there was no physician's order for
18 Demerol for this patient on that date. Respondent failed to chart the administration or wastage of
19 any portion of the Demerol in any patient or hospital record or otherwise account for the
20 disposition of the drug.

21 c. On or about August 3, 2004, at 1254 hours, Respondent withdrew 75 mg
22 of Demerol from the Pyxis medication dispenser when there was no physician's order for
23 Demerol for this patient on that date. Respondent failed to chart the administration or wastage of
24 any portion of the Demerol in any patient or hospital record or otherwise account for the
25 disposition of the drug.

26 **Patient #3**

27 d. On or about August 3, 2004, at 1840 hours, Respondent withdrew 75 mg
28 of Demerol from the Pyxis medication dispenser when there was no physician's order for

1 Demerol for this patient. Respondent failed to chart the administration or wastage of any portion
2 of the Demerol in any patient or hospital record or otherwise account for the disposition of the
3 drug.

4 **Patient #4**

5 e. On or about December 2, 2002, at 1425 hours, Respondent withdrew 75
6 mg of Demerol from the Pyxis medication dispenser when there was no physician's order for
7 Demerol for this patient. Respondent failed to chart the administration or wastage of any portion
8 of the Demerol in any patient or hospital record or otherwise account for the disposition of the
9 drug.

10 **Patient #5**

11 f. On or about December 2, 2002, at 1323 hours, Respondent withdrew
12 100 mg of Demerol from the Pyxis medication dispenser when there was no physician's order for
13 Demerol for this patient. Respondent failed to chart the administration or wastage of any portion
14 of the Demerol in any patient or hospital record or otherwise account for the disposition of the
15 drug.

16 g. On or about December 1, 2002, at 0911 hours, Respondent withdrew 75
17 mg of Demerol from the Pyxis medication dispenser when there was no physician's order for
18 Demerol for this patient. Respondent failed to chart the administration or wastage of any portion
19 of the Demerol in any patient or hospital record or otherwise account for the disposition of the
20 drug.

21 h. On or about December 1, 2002, at 1114 hours, Respondent withdrew 75
22 mg of Demerol from the Pyxis medication dispenser when there was no physician's order for
23 Demerol for this patient. Respondent failed to chart the administration or wastage of any portion
24 of the Demerol in any patient or hospital record or otherwise account for the disposition of the
25 drug.

26 i. On or about December 1, 2002, at 1207 hours, Respondent withdrew 75
27 mg of Demerol from the Pyxis medication dispenser when there was no physician's order for
28 Demerol for this patient. Respondent failed to chart the administration or wastage of any portion

1 of the Demerol in any patient or hospital record or otherwise account for the disposition of the
2 drug.

3 j. On or about December 1, 2002, at 1316 hours, Respondent withdrew 75
4 mg of Demerol from the Pyxis medication dispenser when there was no physician's order for
5 Demerol for this patient. Respondent failed to chart the administration or wastage of any portion
6 of the Demerol in any patient or hospital record or otherwise account for the disposition of the
7 drug.

8 k. On or about December 1, 2002, at 1456 hours, Respondent withdrew 75
9 mg of Demerol from the Pyxis medication dispenser when there was no physician's order for
10 Demerol for this patient. Respondent failed to chart the administration or wastage of any portion
11 of the Demerol in any patient or hospital record or otherwise account for the disposition of the
12 drug.

13 l. On or about December 1, 2002, at 1735 hours, Respondent withdrew 75
14 mg of Demerol from the Pyxis medication dispenser when there was no physician's order for
15 Demerol for this patient. Respondent failed to chart the administration or wastage of any portion
16 of the Demerol in any patient or hospital record or otherwise account for the disposition of the
17 drug.

18 m. On or about November 30, 2002, at 2028 hours, Respondent withdrew 75
19 mg of Demerol from the Pyxis medication dispenser when there was no physician's order for
20 Demerol for this patient. Respondent failed to chart the administration or wastage of any portion
21 of the Demerol in any patient or hospital record or otherwise account for the disposition of the
22 drug.

23 **Patient #6**

24 n. On or about November 30, 2002, at 1642 hours, Respondent withdrew 75
25 mg of Demerol from the Pyxis medication dispenser when there was no physician's order for
26 Demerol for this patient. Respondent failed to chart the administration or wastage of any portion
27 of the Demerol in any patient or hospital record or otherwise account for the disposition of the
28 drug.

1 **PRAYER**


2 **WHEREFORE**, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 585660, issued
5 to Eunjung Jung, also known as Eungung Jung, Jane Jung, Eun J. Jung, and Juny Eunjung;

6 2. Ordering Eunjung Jung, also known as Eungung Jung, Jane Jung, Eun J.
7 Jung, and Juny Eunjung, to pay the Board of Registered Nursing the reasonable costs of the
8 investigation and enforcement of this case, pursuant to Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 10/4/07

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12 
13 RUTH ANN TERRY, M.P.H., R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
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7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008 - 314

13 GWEN JOANNE LENZ, aka
14 GWEN J. PARKER, aka
15 GWEN J. LENZ, aka
16 GWEN JOANNE WELTY, aka
17 GWEN JEANNE LENZ, aka
18 GWEN JEANNE PARKER, aka
19 GWEN JEANNE STUITJE

1343 Oak Avenue
Clovis, California 93611

20 Registered Nurse License No. RN 410393

Respondent.

ACCUSATION

21 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

22 **PARTIES**

23 1. Complainant brings this Accusation solely in her official capacity as the
24 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
25 Affairs.

26 **License History**

27 2. On or about March 31, 1987, the Board issued Registered Nurse License
28 Number RN 410393 ("license") to Gwen JoAnne Lenz, also known as Gwen J. Parker,

1 Gwen J. Lenz, Gwen Joanne Welty, Gwen Jeanne Lenz, Gwen Jeanne Parker, and Gwen Jeanne
2 Stuitje ("Respondent"). The license expired on March 31, 2001.

3 STATUTORY PROVISIONS

4 3. Section 2750 of the Business and Professions ("Code") provides, in
5 pertinent part, that the Board may discipline any licensee, including a licensee holding a
6 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
7 section 2750) of the Nursing Practice Act.

8 4. Code section 2764, in pertinent part, that the expiration of a license shall
9 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
10 licensee or to render a decision imposing discipline on the license. Under Code section 2811,
11 subdivision (b), the Board may renew an expired license at any time within eight years after the
12 expiration.

13 5. Code section 118, subdivision (b), provides that the suspension,
14 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
15 proceed with a disciplinary action during the period within which the license may be renewed,
16 restored, reissued or reinstated.

17 6. Code section 2761 states, in pertinent part:

18 The board may take disciplinary action against a certified or licensed nurse or
19 deny an application for a certificate or license for any of the following:

20 (a) Unprofessional conduct, which includes, but is not limited
to, the following:

21 (4) Denial of licensure, revocation, suspension, restriction, or
22 any other disciplinary action against a health care professional license or
23 certificate by another state or territory of the United States, by any other
government agency, or by another California health care professional
24 licensing board. A certified copy of the decision or judgment shall be
conclusive evidence of that action.

25 COST RECOVERY

26 7. Code section 125.3 provides, in pertinent part, that the Board may request
27 the administrative law judge to direct a licensee found to have committed a violation or

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1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 **CAUSE FOR DISCIPLINE**

4 **(Out-of-State Discipline)**

5 8. Respondent is subject to disciplinary action under Code section 2761,
6 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent's Arizona
7 Registered Nursing License was disciplined by the Arizona State Board of Nursing ("Arizona
8 Board"). In the case entitled, *In the Matter of the Disciplinary Action Against Professional*
9 *Nurse License No. RN 108286 Issued to: Gwen Joanne Welty*, the Arizona Board issued its
10 Notice of Revocation, dated November 30, 2007, revoking Respondent's Registered
11 Nurse License No. RN 108286, due to non-compliance with the terms of the Stayed
12 Revocation/Suspension in the Consent Agreement and Order No.0707020, which became
13 effective on October 29, 2007. A copy of the Board's Order, Consent Agreement and Order are
14 attached as **Exhibit A**, and are incorporated herein.

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1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number RN 410393
5 issued to Gwen JoAnne Lenz, also known as Gwen J. Parker, Gwen J. Lenz,
6 Gwen Joanne Welty, Gwen Jeanne Lenz, Gwen Jeanne Parker, and Gwen Jeanne Stuitje;

7 2. Ordering Gwen JoAnne Lenz, also known as Gwen J. Parker,
8 Gwen J. Lenz and Gwen Joanne Welty, Gwen Jeanne Lenz, Gwen Jeanne Parker, and
9 Gwen Jeanne Stuitje to pay the Board the reasonable costs of the investigation and enforcement
10 of this case, pursuant to Code section 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 5/12/08

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15 
16 RUTH ANN TERRY, M.P.H., R.N.
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant
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